THE [*Numb.* 660.]

MARYLAND GAZETTE,

Containing the freſheſt Advices foreign and domeſtic.

THURSDAY, *December* 29, 1757.

The Governor's MESSAGE to the Lower Houſe of Aſſembly, in Anſwer to their ADDRESS Printed in laſt Gazette.

Gentlemen of the Lower Houſe of Aſſembly,

AS there are, in your Addreſs of the 2d Inſtant, ſome Inſinuations that ſeem calculated to injure my Character, I think it proper, before I enter upon any other Parts of that extraordinary Addreſs, to ſubmit to the diſintereſted and impartial Reader, whom you are pleaſed to appeal to, a plain Narrative of thoſe Tranſactions or Proceedings of mine, which you conceive I ſhould be deſirous of Concealing, and would have judged improper for the Knowledge of the Public.

By an Act of Aſſembly that was made here in *July* 1754, upon the News of the *Virginia* Forces having been Defeated at the *Little-Meadows*, the Treaſurers and Commiſſioners of the Loan-Office were directed to pay to Myſelf, or the Governor of the Province for the Time being, the Sum of 6000 *l.* to be applied towards the Defence of the Colony of *Virginia*, and his Majeſty's Dominions, and the Relief and Support of the Wives and Children of the *Indian* Allies, that ſhould put themſelves under the Protection of this Government, at ſuch Times, and in ſuch Sums, as I, or the Governor of the Province for the Time being, ſhould judge neceſſary. As ſoon as this Act was paſſed, I adviſed Governor *Dinwiddie* thereof, and deſired him to tell me, how he thought the ſaid Money might be moſt uſefully expended for his Majeſty's Service; and upon his giving it as his Opinion, that a Company of about a Hundred Soldiers ought to be raiſed in *Maryland*, to act in Conjunction with the Troops that were then on the Frontiers of *Virginia*, under the Command of Colonel *Innes*, I forthwith iſſued Commiſſions for raiſing ſuch a Company. As it was then expected that theſe Men would be immediately employed beyond the *Allegany* Mountains, where Proviſions were not at all Times to be eaſily got, as the *Virginians* had to their Coſt experienced, I impowered and directed Col. *Creſap*, who lived in the Weſternmoſt Part of the Province, to purchaſe, and lay in, as much Flour and Salt Proviſions, as could be conſumed by One Hundred Men in Twelve Months; and to enable the Colonel to purchaſe every Thing at the cheapeſt Rate, I did, on the 30th of *Auguſt*, and at ſeveral Times afterwards, advance him as much Money as made together, the Sum of 1750 *l.* Currency, which he engaged to account for, to my Satisfaction. When the Officers had recruited about 50 Men, ſome of them were ordered to march with them, and encamp on Col. *Creſap*'s Plantation, where they continued until *November*, and then proceeded to join his Majeſty's Three Independant Companies, that were then employed in building Barracks, at the Place ſince known by the Name of *Fort-Cumberland*; from the Time that the Men reached *Conococheague*, they were victualed by Col. *Creſap*, out of the Proviſions which he had Purchaſed in purſuance of my Order. In the ſame Month, *to wit*, *November* 1754, having received the King's Order, to take Command of all the Troops that had been, or that ſhould be raiſed in theſe Colonies, for his Majeſty's Service, I called another Aſſembly, in Hopes that they would have enabled me to Anſwer, in ſome Degree, his Majeſty's Expectations and Intention, in Honouring me with ſuch a Commiſſion; and, about the ſame Time, I gave Col. *Creſap* Orders to purchaſe a Number of fatted Beeves, and to feed them till they ſhould be wanted: In the Hopes which I had conceived from the Aſſembly I was however diſappointed; an End was put to the Seſſion the 24th of *December*, and I was very ſoon after informed, that his Majeſty had been graciouſly pleaſed to order a General Officer, and two Regiments of Regular Troops, to embark for *Virginia*. Between the End of this Seſſion, and the 22d of *February* 1755, when the Aſſembly met again, I had been told that ſome of the Gentlemen had ſaid, "there could be no Reaſon for granting any more Money for his Majeſty's Service, before the Sum which had been "given in *July* was nearly expended;" and therefore, to obviate that Objection, I thought proper, on the 26th of that Month, to lay before the Houſe a general Account of ſundry Sums that had been already paid out of the 6000 *l.* or that were then ſuppoſed to be due out of that Money, together with the following Meſſage: "*Gentlemen of the* "*Lower Houſe of Aſſembly*, The incloſed Papers "will acquaint you, in general, how Part of "the 6000 *l.* granted by an Act paſſed in *July* "laſt, has been expended for his Majeſty's Ser"vice."

Among theſe Papers were ſome Muſter Rolls, which had been returned by Capt. *Dagworthy*, and three or four Papers that I had received from Col. *Creſap*; theſe were not, to the beſt of my Remembrance, either dated or ſigned by Col. *Creſap*, or any other Perſon; but, they ſerved to ſhew that the Colonel had either laid in, or engaged, as much Flour, Salt Proviſions, Live Stock, *&c.* as would, with the Waggon Hire, and other contingent Charges, and including the Price of ſome Saws, Blankets, *&c.* which he had ſupplied the Soldiers with, coſt 1839 *l.*

The Money that had been diſburſed for raiſing and cloathing the Company of Soldiers commanded by Capt. *Dagworthy*, and to pay the Officers and Men to a certain Day in *February*, amounted to upwards of 2000 *l.* and it was eſtimated, that ſeveral contingent Charges (Accounts of ſome of which had been delivered in to me, and others not), would amount to upwards of 1000 *l.* more, ſo that there was by the Eſtimate that I then made, very little more than 1000 *l.* remaining unexpended, and unengaged, of the whole 6000 *l.* which had been granted in the preceding Summer. After the Aſſembly was Prorogued, which it was the 26th of *March*, I ſent, according to Cuſtom, for the ſeveral Letters, and for all the Papers, that I had laid before the Houſe during the Seſſion, and they were accordingly all returned to me; but whether thoſe Papers were ſent, or brought to me by the Clerk of the Houſe, or the Clerk of the Committee, I cannot ſay I at this Time perfectly remember, the Tranſaction having happened near three Years ago. After the Concluſion of the Seſſion, there was likewiſe returned to me, as uſual, a Copy of the Journal of the Proceedings in the Lower Houſe during that Seſſion; and on peruſing it, I found therein, a Report of a Committee which had been appointed to examine the Papers that I had laid before the Houſe, with my Meſſage of the 26th of *February*. It appeared that the Report had not been concurred with by the Houſe, and for that Reaſon I ſuppoſe it was never Printed in the Journal; but as I perceived that the Committee had made many Remarks on Col. *Creſap*'s Papers, Eſtimates, or Accounts, or whatever you will be pleaſed to call them, and Reported that many of his Charges were Extravagant, I thought it was very proper he ſhould be acquainted with the Committee's Opinion of him, and therefore I took a Copy thereof, and ordered Mr. *Ridout* to ſend it to the Colonel, together with the ſaid Papers, by the firſt Opportunity of Conveyance, and at the ſame Time to deſire, that he would immediately call in all the Accounts of the People from whom he had purchaſed any Thing for the Uſe of the Troops, and that he would then make out, and ſend down, with proper Vouchers, a regular, methodical, and clear Account of every Thing that he had purchaſed, and of the Money which he had paid, for any Services done by my Order.

If it ſhould be ſtill inſiſted on by any Perſon, that theſe Papers of Col. *Creſap*'s were really Accounts, I ſhall only ſay, that whatever Light they may have appeared in to any one elſe, I did not conſider them as ſuch, when I laid them before the Houſe; and for this I appeal to Mr. *Waggaman* a Member of your Houſe, who was one of that Committee, and remembers, that during the Seſſion held in *February* 1755, I Declared, that by ſending thoſe Papers to the Houſe, I intended nothing more than to ſhew what Col. *Creſap*'s Demand, on a Settlement, might in all Probability be. But let it be ſuppoſed they were returned by Col. *Creſap* as proper Accounts, and by me laid before the Houſe as ſuch; ought I not, when the Committee had reported "that they were ſtated in a "dark, confuſed, and unintelligible Manner," to have withdrawn, and ſent them back to Col. *Creſap*, in order that he might have Stated them in a more clear, methodical, and intelligible Manner; or would they have become leſs dark and obſcure by lying till this Time, or till the next Seſſion, in the Hands of the Clerk? But to proceed with the Narrative: A few Days after I had deſired Mr. *Ridout* to return the Papers to Col. *Creſap*, *viz.* about the Middle of *April* 1755, he accompanied Sir *John St. Clair* to *Wincheſter*, and as the Road thither lay by the Mouth of *Conococheague*, he took the Papers with him, and gave them to Mr. *Thomas Creſap*, who then lived at that Place, together with the ſaid Extract from the Committee's Report, and the Letter which he had writ to the Colonel in purſuance of my Order.

It happened that juſt before General *Braddock* marched from *Fort-Cumberland*, one of the Officers who ſerved under him, had enliſted ſome of Mr. *Lowndes*'s Ship-Builders, whom he could very ill ſpare, and was glad to recover at any Rate; his Caſe being repreſented to me, I writ to Captain *Orme*, one of the General's Aid de Camp's, in order to obtain their Releaſement or Diſcharge, and at the ſame Time, ordered Mr. *Ridout* to write to Col. *Creſap*, who lived as it were on the Spot, to deſire him to receive the Servants, and convey them back to their Maſter. Capt. *Orme*'s Anſwer made it neceſſary for Mr. *Ridout* to write a ſecond Letter to Col. *Creſap*, and as the Colonel had hitherto neglected to ſend me down ſuch an Account as I had required, I thought it not amiſs to remind him thereof, and deſired Mr. *Ridout* to do ſo in the Letter that he was then writing, which was, I find, dated the 28th of *May* 1755, and contained, among others on different Matters, the Paragraph that you have in your Addreſs quoted.

The Colonel ſtill neglected to comply with my Requiſition, and tho' he was again called upon to do ſo when I went to *Fort-Cumberland* in *July* 1755, and once or twice afterwards, yet he ſtill declined rendering ſuch an Account as I had for my own Satisfaction, as well as the Satisfaction of the Aſſembly, always inſiſted on. This being the Caſe, and the 6000 *l.* expended, I proceeded to cloſe my Account thereof, in order that it might be ready to lay before the Aſſembly, at the then enſuing Seſſion, which was begun the 23d of *February* 1756: In this Account I charged Col. *Creſap* with the 1750 *l.* which I had advanced to him, as you will ſee upon recurring to my ſaid Account; and tho' I apprehended that there was a Ballance due to him, yet I thought he could have little Reaſon to complain of my referring him to the Aſſembly for Payment, ſince he had been ſo exceedingly dilatory in ſettling his Account, and making his Demand.

After the Aſſembly was met, the Colonel came to me with a large Bundle of Papers, which he ſaid was his Account, and the Vouchers that I had required of him; I told him that I was Buſy and had not Leiſure at that Time to examine them, nor Money in my Hands to pay any Ballance that might, on Examination, appear due to him, but that I would immediately ſend his Account and Vouchers to the Gentlemen of the Lower Houſe of Aſſembly, who would appoint a Committee to examine them, and if his Account was found unexceptionable,

exceptionable, would make some Provision for his being paid what he should have a Right to demand, and in all Probability allow him a good Commission, or handsome Reward, for his Trouble.

Accordingly on the 6th of *March* 1756, I sent his Bundle, together with my Account, to the then Lower House, with a Message, from which the following is an extract: "*Gentlemen of the Lower House of Assembly*, Inclosed you have an Account how the 6,000 *l.* that was Granted by the last Assembly for his Majesty's Service, has been expended: As I have not Time to examine Col. *Cresap*'s Accounts, I must desire your Committee to do it; and have ordered him to attend for that Purpose."

By the Journal of the Proceedings of the House, it appears that this Message of mine was taken into Consideration the 9th Day of that instant *March*, and a Committee appointed to enquire into the Accounts and Papers therein mentioned.

How far this Committee proceeded in the Examination of the Papers, and to what it was owing that the Gentlemen made no Report on them, they best know; the Session continued more than Ten Weeks after these Accounts were laid before the House, and Col. *Cresap* attended the Committee, as I have been told, agreeable to my Order: If the Gentlemen did not proceed for want of any Information that they imagined I could give them, or of any Papers which I could have procured for them, they were much to Blame in not moving the House to Address me on the Occasion, as they had, till that Time at least, by your own Account, all the Reason in the World to believe, that I should have most readily given them all the Information, and have afforded them all the Assistance, in my Power.

Had the Gentlemen of the Committee thought it necessary to have taken that Step, I will venture to say, neither I, nor my Secretary, should have been Charged with having *exchanged* any Papers, of having *taken away* one Account privately and *put* another in *it's Place*; or of having done any Thing whatever, which it could be the Interest or Wish of either of Us, or of your Clerk, to conceal.

Having now told you what I know about the Papers which you say were missing out of your House, and shewn the disinterested Reader, from your own Journal, how others came before you, or in their Place, as you are pleased to phrase it; I shall leave it to those that may read your Address, and my Answer, to judge of your Candour, and my Guilt.

If the disinterested Reader could conceive that you, I mean such of you as were Members of the late Assembly, knew almost Three Years ago, as much as he will when he has read thus far, he would, I doubt not, be surprized at your desiring any Body to attend, at this Time, in order to give Evidence against your Clerk; and he might perhaps ask, Whether it would not have been as proper to Reprimand your Clerk, when his Offence was first discovered (supposing he had Offended) as at the Beginning of the present Session; and, how it happened, that his Misconduct was not Censured during either of the Sessions that were held in *March* and *September* 1756, and in *April* 1757? But, not to enumerate all the Questions that such a Person might be naturally supposed to ask, upon Reading that Part of your Address where you assign a Reason for requiring Mr. *Ridout* to attend your House, at the Beginning of the present Session, I shall proceed to Mr. *Ridout*'s Relation of what passed in your House, after he did attend, which I choose to give you in his own Words.

"As I perceive that the Account which the Honorable the Lower House of Assembly has been pleased to give your Excellency, of what is said to have Passed in that House, the 30th of *September* last, while I was present, differs in some Particulars from the Account I gave some Gentlemen the instant I came out of the House, and from the Minutes which I took that Day, immediately on my return Home, I take the Liberty to mention to your Excellency, some Circumstances that may perhaps have been tho't too Trivial to be taken Notice of by the Gentlemen of the Lower House, in their Address to your Excellency of the 2d Instant; but which are, in my humble Opinion, at least as Material as several others that seem to be therein dwelt on. As soon then as I had entered the House, in consequence of a Message sent me by the Speaker, for whom I had a particular Respect, *the Door was shut, and Care taken that no other Person might be admitted*: After I had been there a short space of Time, the Speaker addressed himself to the House, and asked the Gentlemen, *Upon what Account he had been desired to send for me*, and, *what Questions they would have me ask'd*; a Member thereupon standing up, and saying, *The House wanted to know what Papers those were that were mentioned by Mr.* Ridout *in a Letter which he had some Time since wrote to Col.* Cresap, *and how he came by them*, the Speaker addressed himself to me, and Questioned me agreeable to the Gentleman's Motion; Col. *Cresap* being seated on my Right Hand, I turned towards him, and desired he would let me see the Letter that the Speaker referred to; in compliance with my request, he immediately drew the Letter out of his Pocket and handed it to me: After I had perused it, I observed to the Speaker, that *the Letter appeared by it's Date to have been writ a great while ago*, and said, *I did not remember any thing about the Papers therein mentioned, but that I would take the Letter home with me, and if I should recollect what Papers they were would give the Colonel an Answer*. Upon this, another said, that *indeed he had not Read the Letter, but as it seemed to be of some Consequence he thought I ought not to be permitted to take it out of the House*: He moved however, that the Clerk might be Ordered to let me have a Copy of the Letter, or of that Part of it where the Papers were mentioned. When I perceived by the beginning of the Gentleman's Speech, what he was going to say, I offered the Letter to One that was next me, to be returned to Col. *Cresap*, but another Member put out his Hand and took it, and then holding it to me, asked *Whether the Name subscribed was my Hand Writing*, to which I answered, *Sir, I shall not think proper to Answer your Questions*. In consequence of the abovementioned Proposal, the Speaker ordered the Clerk to let me have a Copy of that Part of the Letter which related to the Papers in Question, or of the Whole, if I desired it; whereupon I said, that *perhaps the other Parts of the Letter might serve to refresh my Memory*, but added, that *I did not*, or, *should not, apply for a Copy of the Whole, or a Part; and that since the Governor's Name was mentioned in the Letter, I must desire to be excused from Answering any more Questions concerning it*. I was then desired to withdraw, which I accordingly did, but a short Time afterwards was sent for again, and on my Return to the Bar of the House, I was asked *how the Papers, about which I had been before examined, came into my Possession?* I said, as before, that *it was a great while since the Papers had been in my Hands, that it was evident from the Letter that what I had done was by the Governor's Order, and that I must therefore desire to be excused from Answering any more Questions*. A Member then said, *Perhaps the Gentleman imagines there is much more Intended by this Enquiry, than there really is, and therefore it may be proper to Explain to him what it is the House is desirous of Knowing*. I intimated to the Gentleman, that *he need not take that Trouble; for that I had already Answered as much as I should think fit*. After a short Pause, the Speaker said, *You see, Gentlemen, that Mr.* Ridout *declines Answering: I suppose he may withdraw*. It was then moved, that I might be Ordered however to attend in the Afternoon; whereupon the Speaker told me, that *I might withdraw, but that I must attend the Sitting of the House in the Afternoon*: I said, *I have received Orders from the Governor to do some Business of his, in the Afternoon, and I must attend that*. I was then, upon the Motion of some Gentleman, Ordered to withdraw; which I did, and returned Home, it being then about One o'Clock. What happened after this, your Excellency is no Stranger to: Had I been to give a Detail of what Passed while the Serjeant was in your Excellency's House, I should have varied a little from the Account which He is said to have given; but that Transaction is not, I apprehend, of very great consequence.

"As there are several Expressions in the Address, which has given occasion to this Narrative, that seem to imply that the Gentlemen of the Lower House would not have known, that the Papers in Question went through my Hands, if they had not learn'd it from my Letter to Col. *Cresap* of the 28th of *May* 1755, I cannot help observing to your Excellency, that a few Days after you sent Col. *Cresap*'s Bundle of Papers, with a Message, to the late Lower House of Assembly, a Messenger came to me, as he said, from some Gentlemen of the Committee, who had been informed (as I understood) by the Clerk, of the Papers having been returned to your Excellency, and told me, that they wanted those Accounts of Col. *Cresap*'s, which had been heretofore laid before the House; I told him, that I would wait on the Gentlemen in the Afternoon, and give them an Answer. It happened that just as I came upon the Parade the House was adjourned, but I addressed myself to one of the Committee, as I understood, and acquainted him with my Design in coming thither. I told him what I knew about the Papers, and said, I presumed Col. *Cresap* would readily lay them before the Committee, in case they should think proper to call on him for them. Since the Beginning of this Session, Mr. *Cassen*, who was a Member of that Committee, as well as One of that which was appointed in *February* 1755, has told me, he remembers well, that when some of the Committee asked after the Papers, in *March* 1756, Col. *Cresap* told them that he had left them at Home: And if any Gentleman of the present House, has a Desire to see those Papers, I have reason to believe that Col. *Cresap*, who is now a Member, will be able to produce them. I think it incumbent on me to observe farther to your Excellency, that if the Gentlemen had only wanted a Witness against their Clerk, they need not have sent for one out of the House, for I have been well informed, one of the Members has said, since I was before the House, that if the Gentlemen had Questioned him concerning the Papers, instead of sending for me, he could have told them how they went out of the House, and that he was not the only One among them that could have given them such Information. But whatever the Gentleman's Design was, in desiring that I might be sent for, I find, that from my declining to answer about a Matter which I could not instantly recollect, an occasion has been taken to calumniate and asperse my Character. False Stories have been artfully and most industriously propagated through the Province. Many People have been made to believe, that the Sum of 40,000 *l.* which was Granted some Time since for his Majesty's Service, had passed through my Hands, and that I absolutely Refused to Account for it: This I have been advised of by Mr. *Waggaman*, a Member of the House, who did me the Justice to undeceive the People whom he heard mention it. In some Counties it has been alledged, that I denied my Hand Writing; and in Others, that I had Stole an Account which had been passed by the Assembly, and secretly put another in it's Room, by your Excellency's Order, with a view of Defrauding the Publick of several Hundred Pounds. To whose Generosity I am indebted for these secret Services, I have not been yet able to learn; but I must rely principally on the Justice and Candour of the Gentlemen of the Lower House, who are sensible there was not the least Foundation for such villainous Reports, to vindicate my Character, and to represent the Affair in it's true Light, to such of their Constituents as may ask them Questions concerning it."

I forbear making any more Remarks upon this unlucky Affair of Mr. *Ridout*'s, as you call it, but shall proceed to take some Notice of that Part of your Address, where you are pleased to Declare, "That you know nothing about the Rights and Privileges of those Gentlemen, that are said to constitute another Branch of the Legislature, as it is a Branch undevised in our Charter, and unknown in its Original;" a Declaration that differs very little, I think, from one that was once made here in the Days of Governor *Fendall*. That Gentleman, having been opposed, in some of his Measures, by the Council, agreed, as it should seem, with some of the great Speakers and Leading Men among the Burgesses, to Destroy the Upper House, and Subvert the Constitution: To bring this about, it was so ordered, that the Speaker, and the Members of the Lower House, should go in a Body to the Upper, and tell the Governor and Council, that they could not allow them to be an Upper House, or a distinct Branch of the Legislature; but that, if they pleased, they might take Place in, and become a Part of the Lower; the Governor readily accepted the Offer, and was received as their President. The Secretary, and other Gentlemen of the Council, Protested against such a Step, as a manifest Breach of his Lordship's Right, Royal Jurisdiction, and Seigniory, and desired Leave to enter their Reasons; but they were not suffered. As soon as this Affair was known in *England*, proper Measures were taken to restore the Constitution and Government:

ment: Another Governor was appointed, the Upper House reassumed their Authority, Rights and Privileges, and Mr. *Fendall*, and the Chiefs of the Faction, were apprehended, tried, and convicted of Rebellion; their Lives were with some Difficulty spared, but the Punishment inflicted on them, by Loss of Goods and Imprisonment, was thought sufficiently Exemplary, to deter all future Governors, and Leading Men, from imitating their Conduct.

But you may still insist, that this does not at all shew, how the Upper House originally became a Branch of our Legislature, and a Part of our Constitution, I shall therefore endeavour to give you Satisfaction in that Point, hoping it will lead you to enquire after the Rights and Privileges of that House, as well as those of your own, and that it will make your Constituents less forward, for the future, to subscribe any such Petitions as were, some Time ago, put into the Hands of many of them, by several Gentlemen who were Members of the late Lower House of Assembly.

If you will only recur to the Charter that was granted by his Majesty King *Charles* the First, to the Noble Ancestor of our present Right Honourable Proprietary, you may find, that among many others, that King was pleased to vest his Lordship with a Power of making Laws, with the Assent of the Freeholders of this Province, or of their Representatives; and, moreover, left it entirely to his Lordship, to Convene the said Freeholders, or their Representatives, after such Manner, Sort or Form, as he should, in his Discretion, judge proper.

The first Settlement that was made in this Province, after the Lord *Baltimore* had obtained his Patent, was made by his Lordship's Brother, and between Two and Three Hundred other Persons, in *February* 163$\frac{3}{4}$. As the Lord Proprietary spared no Trouble or Expence to procure Adventurers, the Number of Inhabitants increased apace. His Lordship after a while, thinking it necessary, for their better Government, that Laws should be enacted, by certain Instructions dated the 15th of *April* 1637, impowered his Brother, who had, from his Arrival here, acted as Captain General, or Governor, to call a General Assembly of the People for that Purpose. In pursuance of these Instructions, Summons's were issued through the Hands of the Sheriff, requiring the Freemen to attend in Person, or appoint their Proxies to appear, at *St. Mary's*, the 25th of *January* 163$\frac{7}{8}$; but, the Secretary, and other Members of his Lordship's Council, were called by a particular Summons, directed to each of them. At the Opening of the Session, there appeared, from the several Hundreds of *St. Mary's* County and *Kent-Island*, Twenty-four Persons, besides the Members of the Council, and the Governor, who, during this, and several other Sessions, sat as President, and directed all Things that concerned Form and Order. Some Bills, which had been already prepared, were produced in the House; but, they not being agreed to, a Committee was appointed to frame others, and the Assembly adjourned. On the 24th of *March* following, they agreed to several Drafts, or Bills, which the Governor was desired to send to *England*, for his Lordship's Approbation; among these, was One, or Part of One, touching General Assemblies, contained in the following Words: "The Lieutenant-General, and Secretary (or his Deputy) and Gentlemen summoned by Special Writ, and one or two Burgesses, out of every Hundred (at the Choice of the Freemen) at any Time hereafter assembled, shall be judged a General Assembly." Whether these Drafts, or Bills, were ever approved of by his Lordship, does not, I believe, appear upon Record; but, on the 25th of *February* 163$\frac{8}{9}$, another General Assembly being then called, after the same Manner as the former, and the Governor being then impowered to Assent, in his Lordship's Name, to any Bill, or Act, that should be by the General Assembly agreed to, an Act was formally passed, by the Governor, on the 12th of *March* following, *For Establishing the House of Assembly, and the Laws to be made therein*, viz.

"Whereas the King's Majesty, by his Letters Patent, hath given and granted full, free, and absolute Power and Authority, to the Lord Proprietary of this Province, to make and ordain any Laws, appertaining to the State of this Province, by and with the Advice, Assent, and Approbation of the Freemen of the same, or of the greater Part of them, or of their Delegates, or Deputies, and to that End, to assemble the said Freemen, or their Delegates, or Deputies, in such Sort, and Form, as to the said Lord Proprietary should seem best, by Virtue hereof several Writs, or Summons, have been directed to certain Gentlemen, to appear personally at this Assembly, and to the Rest of the Freemen, inhabiting within the several Hundreds of this Colony, and the Isle of *Kent*, to Elect their Delegates, or Deputies, in their Names and Stead, to be present at the same; and, accordingly, all the Freemen of the said several Hundreds, and of the Isle of *Kent* (some few excepted) have Elected certain Persons to that End; and the same, their Election have subscribed and returned upon Record, and their said Delegates, and Deputies, are now assembled accordingly: Be it therefore Enacted and Ordained, by the said Lord Proprietary, and with the Advice, Assent, and Approbation of the Freemen, and of the Delegates, and Deputies, assembled at this present Assembly, that the said several Persons, so Elected and Returned as aforesaid, shall be, and be called, Burgesses, and shall supply the Places of all the Freemen, consenting or subscribing to such their Election, in the same Manner, and to all the same Intents and Purposes, as the Burgesses of any Burrough in *England*, in the Parliament of *England*, useth to supply the Place of the Inhabitants of the Burrough whereof he is Elected Burgess; and that the said Gentlemen, and Burgesses, and such other Freemen (not having consented to any the Elections as aforesaid) as now are or shall be at any Time assembled, or any Twelve or more of them, whereof the Lieutenant-General, and Secretary of the Province, to be always Two, shall be called the House of Assembly, and that all Acts, or Ordinances, assented unto, and approved, by the said House, or by the major Part of the Persons assembled, and afterwards assented unto, by the Lieutenant-General, in the Name of the said Lord Proprietary, and shall be adjudged, and established, for Laws, to all the same Force, and Effect, as if the said Lord Proprietary, and all the Freemen of this Province, were Personally present, and did assent to, and approve the same."

From this Time, to the Year 1649, the Assemblies were called, after the same Manner, with this Difference, that sometimes the Governor would require a Hundred, or District, to send only One, or Two Delegates, and at other Times, Three, Four, Five, or Six; but the Members of his Lordship's Council were always particularly called, and it could be No House, unless the Governor and Secretary were present.

In the Year 1642, the Burgesses desired the Governor, to suffer the Gentlemen that then composed the Assembly, to be separated, so that the Lieutenant-General, and Members of his Lordship's Council, might compose one House, and the Burgesses another, but the Governor would not comply with their Request.

The Lord *Baltimore*, however, was pleased to approve of this Proposal afterwards, and in the Year 1649, the Governor, and Members of his Lordship's Council, being Eleven in Number, became one House; and the Burgesses, with their Clerk, whom the Governor appointed, became another House: An Act was made, *For Settling the House of Assembly by Two distinct Houses*, which was approved of by his Lordship, and is as follows,

"Be it Enacted by the Lord Proprietary, with the Advice and Consent of the Council and Burgesses of this Province, now Assembled, That this present Assembly, during the continuance thereof, be held by Way of Upper and Lower House, to sit in Two distinct Rooms apart, for the more convenient Dispatch of the Business therein to be consulted of, and that the Governor and Secretary, and any One or more of the Council for the Upper House; And Mr. *John Hatch*, Mr. *Walter Beane*, Mr. *John Medley*, Mr. *William Brough*, Mr. *Robert Robins*, Mr. *Francis Posey*, Mr. *Philip Land*, Mr. *Francis Brook*, Mr. *Thomas Matthews*, Mr. *Thomas Sturman*, Mr. *George Manners*, Burgesses for *St. Mary's* County, Capt. *Robert Vaughan*, Commander and Burgess for the Isle of *Kent*, Mr. *George Puddington*, and Mr. *James Cox*, Burgesses for the Part of the Province now called *Providence*, or any Five or more of them, for the Lower House, together with the Clerk of that House for the Time being, who shall from Time to Time, Assemble themselves at the Time and Place to be by the Governor (or whomsoever of the Council he shall by Hand Writing under his Hand depute for that Purpose) from Time to Time appointed, during this present Assembly, shall have the full Power of, and be, Two Houses of Assembly, to all Intents and Purposes, and all Bills that shall be Passed by the said Two Houses, or the major Part of both of them, and Enacted or Ordained by the Governor, shall be Laws of the Province, after Publication thereof, under the Hand of the Governor and the Great Seal of the said Province, as fully to all Effects in Law, as if they were advised and assented unto by all the Freemen of the Province personally." The Enacting Clause in all the Acts that were made afterwards, during that Session, ran thus, *Be it Enacted by the Lord Proprietary, with the Consent of the Upper and Lower House of Assembly.*

Thus you see, *Gentlemen*, the Upper House Coeval with the Lower, and established on the same a Basis, and that your Position of It's being unknown in it's Original, was too general, and ought to have been confined to Yourselves, whose Attention to the ancient and undoubted Privileges of *your own House*, will, no doubt, be a good Excuse to your Constituents, for your being entirely unacquainted with the Origine of such an essential Part of our Constitution as the Other.

Lest any Person should, after Reading your Address, be struck with what is mentioned above, concerning the Manner in which the first Summons or Writs, for calling an Assembly, were issued, and Wonder how there could be a Secretary or Sheriff in this Province, before an Assembly was ever called, I must here inform him, that his Lordship had a Power given him by his Charter, to Appoint, either by Himself or his Deputy, such, and so many, Officers, as he should think proper; and that by Virtue of this Power, he did, before any Assembly was called, Appoint, not only the Two Officers above-named, but also Military Officers, Commissioners of the Peace, and Coroners, on whom he settled such Fees as he thought adequate to their respective Services; and that after Assemblies were Called, and the Constitution settled, he did, at Times, create such Offices as he judged expedient or necessary. I should be too Tedious, were I to particularize when every Office that is now Established in this Government was Created: But I cannot help intimating to you, as the Circumstance may not be otherwise known, that in the Year 1681, the then Lower House thought it expedient that they should be allowed a Serjeant at Arms, and "humbly Requested his "Lordship to appoint such a Person to attend "them during that Session," but his Lordship, for what Reason does not appear, did not think proper to comply with their Request.

Before this Time then it could not have been a Question (however Ancient and Undoubted their Privilege) Whether the Lower House might Order their Serjeant to take a Governor's Secretary, or any of his Officers into Custody? and I believe it is a Privilege that was never started in any Lower House of Assembly, before the present Session. [illegible] has been heretofore desired to permit the Gentleman that did Business for him to attend the Lower House on a particular Occasion; but it is very clear that they did not pretend to the least Authority over him; The Case happened when the Government of this Province was immediately in the Crown, and when the Assembly were disposed to give the Governor an additional Duty of Three Pence *per* Hogshead on all Tobacco exported: In order to settle the *quantum* of the additional Duty, they wanted to know what the Impost of One Shilling *per* Hogshead amounted to, and therefore "humbly desired his Excellency would be pleased to permit Mr. *Llewellin* "to go down to the House for some small Time, "and that he might bring along with him the "several Accounts by him taken from the Naval "Officers."

I do not pretend to say, that Mr. *Llewellin* was ever known by the Title of *the Governor's Secretary*, nor would it perhaps have been known a Hundred Years hence, that Mr. *Rideout* went at this Time by that Appellation, if you had not thought proper to issue a Warrant for him, and, without making any previous Application to me, given Orders for his being brought to Answer, at the Bar of your House, to any Questions that you should think fit to ask him.

Whether it is necessary that I should have a Secretary, or not, I may I think be supposed the best Judge, and the impartial World will perhaps be surprized at Your making that a Question, since I did not ask any thing of You for his Support. There are, I am satisfied, many Persons in this Province that have received great Benefit from my having One, and that will acknowlege he has served them without the least view of Advantage

to

to himself; but if he ſhould, on ſimilar Occaſions hereafter, chooſe to take a *Quantum Meruit* for his Trouble, you will not, I ſuppoſe, concern yourſelves about it, ſince he is not an Officer of the Government. If you had aſked me, whether he had a Commiſſion, or not, inſtead of ſpending Time to examine the Provincial Records, I ſhould, without Heſitation, have ſatisfied your Curioſity; and tho' you do not aſk me, whether he has underwent the Qualification, neceſſary to diſtinguiſh him to be a Loyal Subject, or not, I think proper to inform you, that he underwent ſuch a Qualification as the Laws direct, before he accompanied me to this Province; and, I perſuade myſelf, you will not imagine that his Principles have been ſince Debauched, by living in my Family.

As I would willingly avoid all Enquiries into your Rights and Privileges, I have not taken any Notice of your Claim of an unlimitted Power, to call one of any other Gentleman's Family before you, but have only denied your Right, to call before you any of mine. The Power of Protecting thoſe that reſide in my Houſe, while they offend not the Laws, is a Right that I can neither part with, nor ſuffer to be diſputed, and I will venture to pronounce, that none of my Predeceſſors, when they granted the Prayer of a new Speaker, by aſſuring him, "that the Members of the Lower Houſe of Aſſembly ſhould be free from Reſtraint, in their own Perſons, and in their Attendants, during the Seſſion," deſigned thereby to inveſt him with a Power of ſtripping them of *their Attendants*, whenever he ſhould think proper.

But to have done with this Controverſy, which I am ſure I have been obliged to engage in, much againſt my Inclination, I ſhall conclude with declaring, that altho' I ſhould look upon myſelf as Guilty of a Breach of Truſt, were I to ſuffer the Rights and Privileges, that are Incident to my Station, as Supreme Magiſtrate, to be trampled on; yet, I ſhall ever think myſelf bound to ſupport the Dignity of your Houſe, as the Third Branch of our Legiſlature, and ſhall be always ready to concur with you, in taking every Meaſure that might tend to promote the Publick Good.

Dec. 15. HOR°. SHARPE.

LONDON, *October* 4.

BY Letters from Liſbon we find, that in digging up the Ruins of the Churches, the numerous Quantities of dead Bodies that were loſt in the ſame, produced ſo great a Stench, that they were obliged to deſiſt from their Plan of Building, for ſome Time longer.

'Tis ſaid that the Diſputes have run ſo high in the Senate of Sweden, as to occaſion the Members to draw on one another, and that they were all killed except two.

It is ſaid from good Authority, that four foreign Officers of the Allied Army, under the Duke of Cumberland, are under Arreſt for Cowardice, to take their Trials as ſoon as they ſhall enter their reſpective Territories, the Landgraviate of Heſſe-Caſſel not excepted.

October 8. We hear that 10,000 more Troops are ſpeedily to embark for America, on which Account a Number of Tranſports are taken into the Service of the Government.

We hear that the Right Honourable the Earl of Loudoun has deſired Leave to return home.

ANNAPOLIS, *December* 29.

We are informed, by private Letters from *Philadelphia*, that a Fire lately happen'd at the Barracks in the Fort at *New-York*, which conſumed the ſame, and Cloathing for about 2000 Men, and 7 or 800 Stand of Arms.

Laſt Week a very large HOG, between 3 and 4 Years old (which was rais'd in the Forreſt of *Baltimore* County) was Kill'd here. He was, when Alive, upwards of Four Feet in heighth; and when Dead, meaſured, on a Strait Line, from his Noſe to the end of his Tail, Nine Feet Two Inches; in Circumference round his Belly Six Feet; and, when clean'd and gutted, weighed Six Hundred and Twelve Pounds.

CUSTOM-HOUSE, ANNAPOLIS, *Enter'd, ſince October* 27.

Brig Two Brothers, A. Cumming, from N. York;
Sloop Baltimore-Town, J. Sandors, from Ditto;
Sloop Tryall, John Crockett, from Rhode-Iſland;
Sloop Betſey, Nicholas Andrews, from Briſtol;
Brig Sea-Horſe, John Dorrington, from Boſton;
Ship Thetis, Matthew Craymer, from London;
Sloop Swan, Richard Bryan, from New-York.

Cleared for Departure,

Sloop Unity, John Jones, for Jamaica;
Snow Expedition, Joſeph Rothery, for Briſtol;
Sloop Catharine, John Watſon, for Virginia;
Sloop Betty, James Barnes, for Ditto;
Brig Kent, John Pyke, for Biddeford;
Brig Experiment, Robert Bryce, for Liverpool;
Snow Chriſtian, George Watt, for Leith.

RAN away a Day or two ago, and is ſuppoſed to be fallen into a Bottle of Rum, or Jug of Cyder, a Servant MAN, *that is* A TAYLOR, named *JOHN MAPLES*, who is about 40 Years of Age, has a remarkable large Black Beard, but ſmall thin Face, Stammers much in his Speech, Walks Stooping having had both his Legs broke. Had on a yellow Coat.

Whoever takes him up, and brings him home to his Maſter (living near the Court-Houſe in *Annapolis*) ſhall receive as a Reward, One Pair of LIST GARTERS, from EDWARD PAYTON.

JUST IMPORTED from BRISTOL,

And to be Sold by the Subſcriber, on board the Schooner Induſtry, *now lying at* ANNAPOLIS,

A QUANTITY of FINE SALT, and a few SERVANTS, conſiſting of Boys and Girls.

2 ABRAHAM WAYNE.

To be Sold by the Subſcriber, at his Store in Church-Street, *between the Church and Mr.* Swan's *Store, in* ANNAPOLIS,

SUNDRY Sorts of *EUROPEAN* and *EAST-INDIA* GOODS, very cheap, for ready Money, Bills, or ſhort Credit.

2 BASIL WHEELER.

ALL RETAILERS of RUM, WINE, and other SPIRITUOUS LIQUORS, in *Anne-Arundel* County, are deſired, agreeable to Act of Aſſembly, to make Entries of the ſame with the Collector, at his Office in *Annapolis*.

2 UPTON SCOTT, Sheriff.

To be Sold to the Higheſt Bidder, on Wedneſday the 11*th of* January *next,*

A CHOICE Parcel of COUNTRY-BORN SLAVES, conſiſting of Men, Women, and Children, for Sterling Caſh, good Bills of Exchange, or Paper Currency. A ſhort Time will be given for Payment, on giving Security if required.

At the ſame Time will be Sold, a Parcel of good Horſes, Mares, and Colts; and ſome Cattle and Sheep, for ready Currency.

2 HENRY GASSAWAY.

N. B. The Sale to begin at 10 o'Clock, and to continue till all is Sold. If Wedneſday proves a rainy Day, the Sale to be on the next fair Day.

To be Sold, at the Plantation where William Rawlings *now lives, near* South-River *Church, on Monday the ſecond Day of January next.*

SOME Cattle, Milch Cows, Cart-Horſes, Carts, Plows, ſome old Corn, Oats, Rye, Cyder, and ſome Plantation Utenſils. M. MACNEMARA.

N. B. The Sale will begin preciſely at Ten o'Clock. X 2

LATELY PUBLISHED,

And to be Sold by the Printer hereof,

THE *MARYLAND* ALMANACK, for the Year 1758.

JUST IMPORTED from *BRISTOL*,

And to be SOLD by the Subſcriber, at his Stores at UPPER-MARLBOROUGH *and* PIG-POINT,

A PARCEL of *WELCH* COTTONS, FRIZES, RUGS, and BLANKETS, and other WINTER GOODS; CROWN GLASS 8 by 10, and 11 by 9; NAILS and IRON WARE, QUART BOTTLES, *&c. &c. &c.*

4 STEPHEN WEST.

RAN away from the Subſcriber, living in *Prince-George's* County, on the 16th of *September* laſt, the Three following Negroes, *viz.*

Forreſter, a luſty well-made Fellow, between 50 and 60 Years of Age. Had on when he went away, a light Cloth colour'd Jacket, with ſlash Sleeves, a ſtriped Country Cloth Jacket and Breeches, Check Shirt, and old Stockings and Shoes.

Joe, a low well-made Fellow, about 30 Years of Age. He had on when he went away, a Country Cloth Jacket and Breeches, an Oſnabrigs Shirt, and old Shoes and Stockings.

Beſs, a low well-made Wench, between 40 and 50 Years of Age. She had on when ſhe went away, a Country Cloth Jacket and Petticoat, an Oſnabrigs Shift, and old Shoes and Stockings; and took with her a Callico Jacket and Petticoat, and a Cotton Ditto.

Whoever takes up the ſaid Negroes, and brings them home, ſhall have Ten Shillings Reward for each, beſides what the Law allows, paid by

THOMAS NOBLE.

To be Sold to the Higheſt Bidder, on Monday the 2*d of* January *next, at* Lower-Marlborough, *for Sterling Money, Currency, or Bills of Exchange,*

SEVEN Hundred and Twenty-Eight Barrels of FLOUR, and Two Thouſand Six Hundred Buſhels of old WHEAT. For the Conveniency of Purchaſers, the Flour will be Sold in Lots of Fifty Barrels, and the Wheat in Quantities not leſs than Two Hundred and Fifty Buſhels. The Sale to begin at 11 o'Clock, at the Warehouſe where the Grain now lies. Any Perſon inclining to purchaſe, may ſee the Condition of the Wheat and Flour at any Time before the Day of Sale, by applying to Meſſieurs *Wardrop* and *Grahame*; and if any Perſon inclines to purchaſe any Part before the Day of Sale, they may apply to the Subſcribers.

ALEXANDER and ANDREW SYMMER.

JUST IMPORTED,

From LONDON, *in the* THETIS, *and to be Sold on board the ſaid Ship, lying at* ANNAPOLIS, *by Wholeſale or Retail,*

SINGLE and Double Refin'd Sugar, Cheeſes, Lemons, Beer, in Caſk or Bottles, Pickles, *viz.* Olives, Capers, Anchovies; Sweet Oil, *Durham* Muſtard, *Scotch* Snuff, Shoes and Pumps, Mens and Womens Thread, Worſted, and Silk Stockings, Worſted and Silk Patterns for Breeches, Felt and Caſtor Hats, both plain and laced, Oſnabrigs, Sheeting, Brown Rolls, *Iriſh* Linen, Cotton and Linen Checks, ſtampt Linens, Chintz, plain Lawn, figur'd Gauzes, Womens Ruffles and Handkerchiefs, *Scotch* Handkerchiefs, *Welch* and *Kendall* Cottons, blue Ditto, Flannels, Rugs and Blankets, Knives, Razors, Buckles, Lancets, Cutlaſſes, Medicines of all Sorts, Surgeons Inſtruments, *Hungary* Water, new Books and Magazines, cut Tobacco, ſeveral Sorts of Stone and Earthen Ware, *viz.* Sets of white Tea Ware, Decanters, Porringers, Chamber Pots of different Sorts, Bowls of all Sizes, Stew Plates and Diſhes of the neweſt Faſhions and Sizes, Breakfaſt Plates, Pickle Plates, Fruit Baſkets, Butter Pots, *Welch* Ware, *viz.* China Cups and Saucers, red China Coffee-Pots, *&c.* Nails of all Sorts, Hoes and Frying Pans, Drinking Glaſſes, Wine and Water Glaſſes, Tumblers, Decanters, and ſeveral other Things too tedious to mention.

JAMES HOUSTON.

TO BE SOLD OR LET,

A TRACT of LAND, containing 260 Acres, 16 Acres of which is excellent freſh Water Meadow, with a good Orchard of young grafted Trees, lying on the *Round-Bay* near the *Vine-Yard*, on which there is a good Dwelling-Houſe, Stable, Corn-Houſe, *&c.* For Terms, and further Particulars, enquire of Mr. *Lancelot Jacques*, Merchant, in *Annapolis*.

TO BE SOLD,

By the SUBSCRIBER near Severn-Ferry, *by Wholeſale or Retail,*

CHOICE GOOD SINGLE and DOUBLE REFINED SUGAR, and fine old CANE SPIRIT: As likewiſe by Retail, *MADEIRA* WINE, *WEST-INDIA* RUM, and *MUSCOVADO* SUGAR. JOHN CLAPHAM.

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